IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

WP(C).No. 3844 of 2006(G)

PETITIONER:

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1. ANANDAVALLY, W/O.SASI,
   AGED 39 YEARS, CHARUVILA PUTHEN VEEDU,
   CHANGAYILKONAM, PULIYOORKONAM.P.O,
   THIRUVANANTHAPURAM.

2. LATHIKA, D/O.SASI,
   AGED 19 YEARS, CHARUVILA PUTHEN VEEDU,
   CHANGAYILKONAM, PULIYOORKONAM.P.O,
   THIRUVANANTHAPURAM.

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENTS:

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1. THE STATE OF KERALA,
   REPRESENTED BY THE SECRETARY, DEPARTMENT OF HEALTH
   SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
   COLLECTORATE, THIRUVANANTHAPURAM.

3. THE DISTRICT MEDICAL OFFICER,
   OFFICE OF THE DISTRICT MEDICAL OFFICER,
   THIRUVANANTHAPURAM.

4. THE ADDITIONAL TAHSILDAR, TALUK OFFICE,
   ATTINGAL,THIRUVANANTHAPURAM.

5. THE VILLAGE OFFICER,VILLAGE OFFICE,
   MADAVOOR VILLAGE,THIRUVANANTHAPURAM.

6. MADAVOOR GRAMA PANCHAYATH,
   REPRESENTED BY THE PRESIDENT,
   PANCHAYATH OFFICE, MADAVOOR,
   PALLICKAL VIA., TRIVANDRUM.

R1 TO R5 BY GOVT. PLEADER SRI.BENJAMIN PAUL
R6 BY ADV. SRI.P.A.AHAMMED

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC.3844/06

PETIITONER'S EXHIBITS:

EXT.P1: THE TRUE COY OF THE RATION CARD.

EXT.P2: TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED IN THE NAME OF THE 1ST PETITIONR DATED 27.9.04 BY THE MEDICAL OFFICER INCHARGE PRIMARY HEALTH CENTER MADAVOOR.

EXT.P3: TRUE COPY OF THE DISCHARGE CARD ISSUED FORM THE OFFICE OF THE SANATORIUM FOR CHEST DISEASES IN THE NAME OF 2ND PETIITOENR DATED 24.12.2004.

EXT.P4: TRUE COPY OF THE APPLICATION FOR FINANCIAL HELP FOR T.B.PATIENT IN THENAME OF THE 1ST PETITIONER DATED 27.9.04.

EXT.P5: THE TRUE COPY OF THE APPLICATION FOR FINANCIAL HELP FOR T.B.PATIENT IN THE NAME OF THE 2ND PETITIONER DATED 3.2.05.

EXT.P6: THE TRUE COPY OF THE LETTER DATED 30.9.04.

EXT.P7: THE TRUE COPY OF THE MEDICAL CERTIFICATE DATED 31.1.05 IN THE NAME OF THE 2ND PETITIONER.

EXT.P8: THE TRUE COPY OF THE LETTER ISSUED BY THE 4TH RESPONDENT DATED 14.1.05.

EXT.P9: THE TRUE COPY OF THE LETTR ISSUED BY THE 4TH RESPONDENT DATED 18.3.05.

EXT.P10: THE TRUE COPY OF THE CARD ISSUED FROM THE OFFICE OF THE 5TH RESPONDENT.

EXT.P11: THE TRUE COPY OF THE MERCY PETITION DATED 1.7.05 SUBMITTED BY THE PETITIONERS.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.3844 OF 2006

Dated this the 1st day of February, 2007

JUDGMENT

The petitioners are permanent residents of Madavoor Village in Thiruvananthapuram district. The second petitioner is the daughter of the first petitioner, whose husband and both the petitioners are infected with Tuber Culosis and are under treatment of the Sanatorium For Chest Diseases at Pulayanarkotta. They submitted Exts.P4 and P5 applications for financial help as pension for T.B. patients. They asserted that they are living in utter poverty.

2. By interim order dated 12.6.2006, there was a direction to respondents 4 and 5 to file counter affidavit stating as to what was the basis on which they have come to the conclusion that the annual family income of the petitioners is beyond Rs.7,200/-. The 4th respondent has filed a counter affidavit, inter alia stating that the Village Officer has reported that the total annual income of the husband of the first petitioner is Rs.7,200/- and it is

therefore, that the application was rejected by the Tahsildar since the total income of the family exceeds Rs.2,400/-.

3. Admittedly, the petitioners and the husband of the first petitioner, that is, the father of the second petitioner, are T.B. patients. The counter affidavit does not disclose the ground on which the Village Officer has come to conclude that such a person has annual income of Rs.7,200/-. The finding of the Village Officer is obviously baseless and which affects the right of the petitioners to life, by depriving them of pension available to T.B. patients.

Having regard to what is aforesaid, this writ petition is allowed directing that the petitioners shall be treated as entitled to the benefit of the scheme available for providing pension to T.B. patients and relief under such scheme, with all due arrears from the date of their respective applications, shall be released to them at the earliest, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

THOTTATHIL B.RADHAKRISHNAN
Judge